

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KOZENY & MCCUBBIN, L.C.,)
)
Plaintiff,)
)
vs.) Case No. 4:11CV970 RWS
)
THE ESTATE OF DEBORAH L. HALL,)
et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This interpleader action is before the court on plaintiff Kozeny & McCubbin, LC's motion to deposit funds in the amount of \$29,284.82 and for attorneys' fees and costs. Defendant United States of America does not oppose the request for fees and costs on the ground that there are sufficient interpledged funds to award attorneys' fees and costs to the plaintiff without any possibility of decreasing the remaining amount that will be used to satisfy the federal tax lien . All other defendants have now been served and are in default except for claimant Shannon Hall, who only seeks "any money that is left over." Therefore, it appears that plaintiff's motion can be granted. It also appears that this case can also be fully resolved since there are no disputes about the interpledged funds between the remaining defendants.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to deposit funds and for attorneys' fees and costs [#37] is GRANTED. Plaintiff shall, pursuant to Federal Rule of Civil Procedure 67(a), deposit the funds, less \$1,314.00 for attorneys' fees and costs, with the Clerk of the Court. Once plaintiff has deposited the funds with the Court, it shall be discharged from all further

liability and dismissed from this suit.

IT IS FURTHER ORDERED that defendants United States of America and Shannon Hall shall file a joint memorandum with the Court by no later than June 1, 2012, advising the Court whether this action has been fully resolved or whether a scheduling conference is required. If the case is resolved, the joint memorandum shall be accompanied by any proposed Orders, motions, or exhibits necessary for this case to be finally concluded. Counsel for the United States of America shall act as lead counsel and be responsible for ensuring compliance with this Order.

IT IS FURTHER ORDERED that plaintiff's motion to deposit funds [#17] is denied as moot.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 15th day of May, 2012.